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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,812	03/13/2001	Shoji Suzuki	9281/3923	2009
757	7590	12/29/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EISEN, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/804,812

Applicant(s)

SUZUKI, SHOJI

Examiner

Alexander Eisen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 October 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oross (reference of record) in view of Schumer, US 5,768,492.

With respect to claim 9 Oross discloses an input control system 10 (FIGS. 1-2) comprising an input pad 34 having a coordinate input portion 16 and at least four switches 18 and 38a-38d; each of the switches capable being in ON or OFF states (when touched-untouched by a user's finger); wherein a finger is slid across the input pad to input information for moving a pointer in a screen (col. 4, line 62 – col. 5, line 17), and is tapped to perform selection operation (col. 5, lines 57-61); wherein the four switches comprise default operations, such as left-click and right-click mouse operations (col. 4, lines 13-18) and a scroll-up and scroll-down operation, when the switches are in ON state (col. 7, lines 20-34), and wherein the default operation for

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each of the four switches is changeable to a different operation by setting commands generated in a switch input section driver (col. 7, line 47 – col. 8, line 17).

While Oross does not specifically disclose that the switches are ones of a push-type and that the operation data from the input pad and ON/OFF data from four switches are formatted to a data group of 6 or more bytes and is output, it would have been obvious to one of ordinary skill in the art at the time when the invention was made that the switches taught by Oross, such as for instance piezoelectric switches constitute ON/OFF switches, and that the encoding of each switch state would take a byte of information, totaling to 6 bytes of data since the number of switches could amount to six (as in FIG. 15), plus X-Y coordinates can be also presented by at least two additional bytes of data, amounting to a total of 6-8 bytes of data, as claim language requires. Such presentation would not require any unnecessary experimentation and would not bring about any unexpected result to those of ordinary skill in the art at the time of the invention.

It is noted that Oross does not disclose that data from the input pad and data from switches are formatted to a common format data, wherein the common format data includes X coordinate and Y coordinate positional information and ON or OFF information of each switch and the common format data is output as a single data item.

However, Schumer teaches digitizer interface, wherein the data representing XY coordinates and ON or OFF states of the multiple switches are formatted into a common format, which is translated (output) as a single data item (col. 35, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time when the invention was made to employ the technique taught by Schumer in the device of Oross, because it represents a conventional and quite common in the art method, when the information from the

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pointing device, such as positional information and state of the control buttons, are formatted into a single data trail comprising few bytes of data, followed by its transmission to a computer.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oross in view of Castaneda, US 4,786,895 and further in view of Schumer.

With respect to claim 11 Oross discloses an input control system comprising an input pad having a coordinate input portion for inputting coordinate data and at least one push-type switch 36/38 (FIG. 11), the at least one switch is independent of the input pad and capable of having an ON state and an OFF state, wherein a finger or a pen is slid across the input pad to input information for moving a pointer appearing on a screen of a display unit in an X-axis or Y-axis direction, and is tapped on the input pad to input information in a Z-axis direction or to perform a selection operation for selecting an icon pointed to by the pointer, the display unit being provided in the input control system or in a computer connected to the input control system, wherein the at least one switch comprises a default operation, wherein the default operation for each of the at least one switch is changeable to a different operation by setting commands generated in a switch input section driver, and wherein the at least one switch has a scroll function (switch 36 in FIG. 2).

Oross does not disclose that while the at least one switch is pressed so as to continuously output ON data, the at least one switch continuously performs a scrolling operation independently of an operation of the input pad, and wherein when pressing against the at least one switch is released so as to output OFF data, the at least one switch stops the scroll operation.

Castaneda teaches a control panel for computer display having scroll switches that when pressed continuously output ON data and continuously perform scrolling operations (FIG. 1; col. 5, ll. 46-54).

It would have been obvious to one of ordinary skill in the art at the time when the invention was made to use technique employed by Castaneda in the input device of Oross since it presents well known technique in the art, would perform similarly without causing any unexpected result.

It is also noted that none of the above disclose that data from the input pad and data from switches are formatted to a common format data, wherein the common format data includes X coordinate and Y coordinate positional information and ON or OFF information of each switch and the common format data is output as a single data item.

However, Schumer teaches digitizer interface, wherein the data representing XY coordinates and ON or OFF states of the multiple switches are formatted into a common format, which is translated (output) as a single data item (col. 35, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time when the invention was made to employ the technique taught by Schumer in the device of Oross, because it represents a conventional and quite common in the art method, when the information from the pointing device, such as positional information and state of the control buttons, are formatted into a single data trail comprising few bytes of data, followed by its transmission to a computer.

#### ***Response to Arguments***

5. Applicant's arguments filed on 13 October have been fully considered but they are believed to be answered by and moot in view of new grounds of rejection.

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***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Morita et al., US 5,969,712**, discloses that the formats of *coordinate values and switch statuses* outputted from a coordinate reading apparatus *are converted* into a *common format* as required by an application program for outputting (col. 1, lines 38-42).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Eisen whose telephone number is (571) 272-7687. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Eisen  
Primary Examiner  
Art Unit 2674

23 December 2005